REMARKS

Claims 1, 3-12, and 14-47 are currently pending in this application. Claims 1, 12, 24 and 25 are independent. Claims 46-47 are new, and Applicant respectfully submits that the new claims are not new matter. Applicant respectfully requests reconsideration of this application based on the following remarks.

Claim Rejections – 35 U.S.C. S 103

The Examiner rejects claims 1, 3-12 and 14-45 under 35 U.S.C. S 103(a) as allegedly unpatentable over U.S. Patent No. 6,973,457 ("Bastawala") in view of U.S. Patent No. 6,763,382 ("Balakrishnan"). Office Action at pp. 2-7.

Applicant respectfully traverses these rejections. Applicant respectfully submits that rejections are not consistent with Applicant's claim recitations, properly interpreted, compared to the combined disclosures of Bastawala and Balakrishnan - as these references would be understood by a person of ordinary skill in the art.

Applicant respectfully refers first to Bastawala. The Examiner asserts, at page 2 of the Office Action, that Bastawala's recitations at col. 3, lines 16-20, and at col. 4, lines 13-24, disclose, respectively, subject matter meeting the claim 1 recitations of:

> determining a size of user interface UI elements that fit within a display on the device;
>
> selecting a first subset of UI elements from the plurality of UI elements, wherein the first subset of UI elements have **the** size to fit within the display; (emphasis added)

Applicant respectfully submits, before showing Bastawala lacks the above recitation of claim 1, that the Examiner appears to have **omitted** consideration of the claim 1 element that immediately follows the above recitation, which is:

> loading only the first subset of UI elements into a memory on the device

Referring now to the Examiner's assertion, identified above, that Bastawala at col. 3, lines 16-20 and col. 4, lines 13-24 satisfies elements of "determining a size," and "selecting a

first subset," Applicant respectfully responds that the assertion is not supported the Bastawala disclosure.

Bastawala at col. 3, lines 16-20, is a portion of a paragraph that, in its entirety, starts at col. 3, line 16 and ends at line 23. Applicant respectfully reproduces this paragraph below:

> This type of situation exists, for example, in systems configured to conserve network bandwidth by allowing request and transmission of only enough information to be sent that can fit onto a client's display device, page, window, or screen at a particular instance in time. In these systems, additional portions of the requested data are retrieved only if specifically requested, e.g., based upon the user scrolling or paging through the data displayed in the display window.

Applicant respectfully points to the recitation of: "the requested data are retrieved only if specifically requested" that is in the concluding sentence of this section of Bastawala. Applicant respectfully submits that read in the context it appears in Bastawala that this describes its client cache 104 issuing a request (or "fetch") to the server 102 to send more of the "server result set," so that the client cache 104 can add this to its larger store of "partial result set." Applicant respectfully submits that this described action is not within a properly interpreted meaning of the claim 1 language of: "determining a size of user interface (UI) elements that fit within the display." Applicant submits that a proper interpretation of claim language requires it be consistent with the interpretation given to all other elements of the claim 1. The interpretation of "determining a size of user interface (UI) elements that fit within the display," must therefore be consistent with that given to "selecting a first subset," and "loading only the first subset."

Applicant also refers to the Examiner's citation to Bastawala at col. 4, lines 13-24, which Applicant respectfully reproduces below:

> Because memory usage is reduced using the present invention, scrollable cursors are enabled for objects that may require greater memory consumption requirements. For example, many types of complex data objects and user-defined datatypes cause rows in a result set to be significantly larger than for more typical data objects. Under these circumstances, it is impractical to enable scrollable cursors by storing an entire result set into client-side memory. However, the present invention can be utilized to enable scrollable cursors by caching only a portion of the result set in local memory at client cache **104**, with the rest of the result cache remotely cached at the server.

Bastawala's section quoted above states, simply, that storing an entire result set in a local cache of a display is impractical, and offers as a solution storing in the local cache only a portion of the result set, and leaving the rest of that result cached at that server. Applicant respectfully submits that nothing in this section constitutes a disclosure of, or suggests the claim 1 element of:

> selecting a first subset of UI elements from the plurality of UI elements, wherein the first subset of UI elements have the [determined] size to fit within the display;

Applicant further submits that combining Bastawala col. 4, lines 13-24 with its col. 3, lines 16-23, and with the entire remainder of Bastawala, that Applicant cannot identify a teaching, disclosure or suggestion that can be reasonably argued as being the broadest reasonable meaning of the following recitation of claim 1, either explicitly or inherently:

> determining a size of user interface UI elements that fit within a display on the device;
>
> selecting a first subset of UI elements from the plurality of UI elements, wherein the first subset of UI elements have **the** size to fit within the display; (emphasis added)

Looking elsewhere in Bastawala for description of selection of a partial result from the server cache to load into the local cache 106, Applicant submits Bastawala's first and second scenario Bastawala, at col. 4, line 58 – col. 5, line 10, and at col. 5, lines 11-34, respectively. In each of these the user enters a scroll request and, in response, the system checks the local cache (e.g., Fig.3 client cache 308) to see if the rows corresponding to the different location are in that local cache. If the rows are in the local cache, they are displayed, if not the scroll request is not immediately carried out and, instead, a fetch command is sent to the server cache (e.g., Fig. 3 server cache 312) to send the corresponding rows to the client, and when the client receives the requested rows, the client stores them in the local cache, and then allows the scroll request to move the cursor to the different location. Id., at col. 5, lines 29-34.

Bastawala describes additional scenarios, all essentially the same as Applicant summarizes above. All include, in some form, receiving a scroll request to move the cursor, checking a local cache to see if the data is there and, if so, scrolling to the different position, else fetching the needed data from a server cache. One adds a zoom feature and, in relevant part,

describes this having a more complex checking of the local cache to see if a fetch is needed. See, e.g., Bastawala at col. 6, lines 1-40. Another includes predicting the user's scrolling movement and, based on the prediction, prefetching a number of rows from the server cache. See, e.g., id., At col. 6, line 41, through col. 7, line 25; and at col. 8, line 43 through col. 9, line 57.

Referring again to the Office Action, the Examiner admits that:

> Bastawala does not expressly disclose discarding the at least one of the first subset of UI elements from the memory; and
>
> loading the at least one of the second subset of UI elements into the memory

Applicant respectfully agrees with the above facts admitted by the Examiner.

Applicant, however, respectfully disagrees with the Examiner's position that Balakrishnan discloses the claim 1 subject matter admitted as lacking in Bastawala. Applicant respectfully submits that such subject matter is not found in Balakrishnan's disclosure.

Balakrishnan describes a method and means for page-by-page scrolling through a web site, while having a page buffer that might not hold all the scrolled pages. BL describes that room can be made if "the earlier data pages are removed from the end-user memory," and then

> If the user scrolls up, the same data pages are downloaded from the remote web server

Balakrishnan at col. 7, lines 66-67.

Balakrishnan describes, in other words, a memory management of: when the end-user memory is at some fill state (not described by Balakrishnan) then an earlier visited page is removed, leaving an empty space for a page. After that, if the user visits another page, it is downloaded into the previously vacated space.

Applicant respectfully responds that Balakrishnan's described memory management does not, and cannot satisfy the recitations of claim 1 that it is cited as teaching. Applicant submits, with all due respect, that the Examiner appears to have extracted the recitation of claim 1 that is admitted as missing from Bastawala, and then interpreted that extraction in a vacuum, without consideration of the claim's other language that defines it. Applicant respectfully submits that there is no subject matter within Bastawala, or within the combination of Bastawala and

Balakrishnan, falling within the properly interpreted meaning of the claim 1 recitation that the Examiner has extracted from that claim.

Claim 1 recites, in combination with other elements:

> **when the menu is scrolled up or down based on a user input such that at least one of the first subset of UI elements is not displayed and at least one of a second subset of UI elements from the plurality of UI elements is displayed:**
>
> discarding the at least one of the first subset of UI elements from the memory; and
>
> loading the at least one of the second subset of UI elements into the memory (emphasis added)

The above language of the claim recites steps of discarding and loading being performed **conditional upon** the event that is defined by the claim as: "**when the menu is scrolled up or down … UI elements is displayed.**"

Balakrishnan is not capable of meeting the requirement. For Balakrishnan to be able to scroll up or down a page it must download that page. Scrolling up or down to a web page not already in memory cannot be performed if there is no space in memory for the web page to which one is trying to scroll.

Applicant respectfully submits based on Bastawala lacking, at least, the "determining," and "selecting" elements of claim 1, as discussed above and Balakrishnan not supplying, in any arrangement, the subject matter admitted as not found in Bastawala, that claim 1 is not rendered obvious over the combined teachings of these references.

The remaining independent claims (i.e., claims 12, 24 and 25) recite related subject matter to the above-identified independent claims, and are therefore allowable for reasons similar to those given above. The dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

Accordingly, Applicant respectfully requests withdrawal of the foregoing rejections and allowance of all pending claims.

New claims 46-47 are supported, for example, on pages. 8-9, 12, and 14-15, and elsewhere throughout the originally filed specification and drawings. Further, these claims recite additional subject matter that defines over the applied art.

CONCLUSION

In light of the remarks contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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